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IAP6 Rec'd PCT/PTO 21 SEP 2006 PATENT
10191/3445

3747
#9

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of : Eberhard Klein et al.
Serial No. : 10/502,430
Filing Date : July 22, 2004
For : METHOD AND DEVICE AS WELL AS COMPUTER
PROGRAM FOR CONTROLLING AN INTERNAL
COMBUSTION ENGINE
Examiner : to be assigned
Art Unit : to be assigned
Confirmation No. : 8129
Mail Stop: **Petition**
Commissioner for Patents
P. O. Box 1450
Alexandria, VA. 22313-1450

RECEIVED
10 JAN 2007
Legal Staff
International Division

PETITION TO WITHDRAW HOLDING OF ABANDONMENT

SIR:

Applicants hereby petition to have the Notice of Abandonment, dated August 21, 2006, for the above-identified patent application withdrawn. The following facts are pertinent:

Applicants received a Notification of Missing Requirements mailed November 16, 2004, for the above application. In response to the Notification of Missing Requirements, applicant forwarded via Express Mail on January 5, 2005, a Submission of Declaration and Power of Attorney.

On March 21, 2005, applicants received a Notification of Defective Response for the above application. In response to the Notification of Defective Response, applicants forwarded via Express Mail on April 21, 2005, a Response to Notification of Defective Response.

Copies of the Response to Notification of Defective Response, the English language translation of the text of Figure 4, and the postcard bearing the PTO acknowledgment stamp date of April 21, 2005, are enclosed.

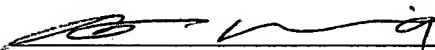
It is therefore respectfully submitted that the Response to Notification of Defective Response sent via Express Mail on April 21, 2005, was timely filed, that the applicants responded timely to the Notification of Missing Requirements, and that the Notice of Abandonment was issued as a result of a Patent Office error. It is therefore respectfully requested that this abandonment be withdrawn.

As this petition was necessitated by Patent Office error, no fee is believed to be required. However, if any fee is required, the Commissioner is authorized to charge **Deposit Account of Kenyon & Kenyon LLP, Deposit Account No. 11-0600**. A copy of this petition is enclosed for that purpose.

Date

9/21/06

Respectfully submitted,
KENYON & KENYON LLP



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Facsimile: (212) 425-5288
26646

EXPRESS MAIL NO. EV 839 763 439 US



PATENT
10191/3445

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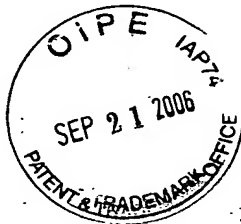
9/21/06

Respectfully submitted,
KENYON & KENYON LLP



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EXPRESS MAIL NO. EV 839 763 439 US



EV33138 386445

JC10 Rec'd PCT/PTO 21 APR 2005

Case No. 19,134,45

Atty. *garn*

Ser. No. 10502430

Due Date 4/21/05

The Impressed Mail Room date stamp acknowledges receipt of the date indicated of: *Response to notification of Defective Response*

☐ Application

☐ Extension Request

☐ Amendment

☐ Priority Document

☐ Assignment

☐ Issue Fee

☐ Notice of Appeal

☐ Declaration

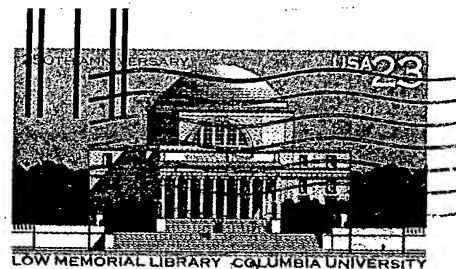
☐ Prior Art Statement

☐ Small Entity

☐ Appeal Brief

☒ *Dep acct #110600*

*Copy of notification of a Defective Response
English language translation of The text of Figure 4*



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EV331383864US

Case No. 101913445 Atty. Genm
Ser. No. 101502430 Due Date 4/21/05



The Impressed Mail Room date stamp acknowledges receipt of the date indicated of:

Response to Notification of Defective Response

- ☐ Application
- ☐ Amendment
- ☐ Assignment
- ☐ Notice of Appeal
- ☐ Prior Art Statement
- ☐ Appeal Brief
- ☐ Extension Request
- ☐ Priority Document
- ☐ Issue Fee
- ☐ Declaration
- ☐ Small Entity

Copy of notification of a Defective Response English language translation of The Text of Figure 4

Dep. cost \$11000

EV331383864US